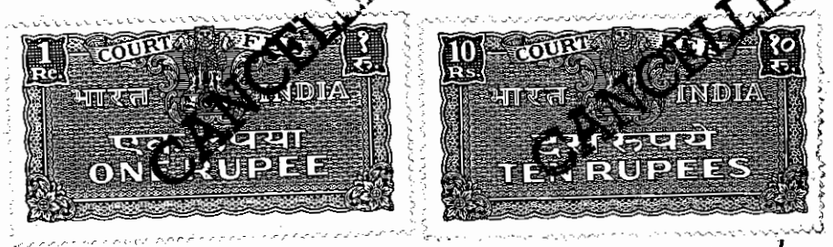

UF 15/-

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

Single Bench

CIVIL REVISION NO. 314 /2003

Applicants : 1. Raipur Diocese Education Society Registration No. 5261 Christ Bandhu House, Bhawan House, Baron Bazar through its Director Raipur Diocese Education Society, Dist : Raipur -(C.G.)

(Defendant)

2. Widenor Memorial School Rajnandgaon, a School run by the applicant no.1 Raipur Diocese Education Society.

P. R. No. 2266/03
Presented by Shri Vijay Deshmukh
dated 02.10.03

Versus

Non Applicant : R. Smt. Aradhana Sharma W/o Shri Ashok Kumar Sharma, aged about 38 years, R/o Baldeo Bagh, Rajnandgaon, Dist : Rajnandgaon-(C.G.)

(Plaintiff)

CIVIL REVISION U/S 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... C.R-No-314/03 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16-09-2005

Shri P. Diwakar, Senior Advocate with Shri P.R. Patankar, Advocate for the applicants.

Shri Anoop Mazumdar, Counsel for the non-applicant.

The matter is finally heard with the consent of both the parties.

This Revision is directed against the order dated 11-07-2003 passed by the Ist Civil Judge, Class-II, Rajnandgaon in Civil Suit No. 77-A/1998 whereby the application under order-7 Rule-11 of the Code of Civil Procedure for rejection of the plaint due to non-payment of deficit Court fees, was dismissed.

Learned counsel for the applicants does not dispute this fact that the deficit Court fees had been paid by the plaintiff-non applicant, though, at a highly belated stage. He mainly contended under section-148 of the C.P.C., the Court could not have enlarged time beyond the period of 30 days and was therefore bound to reject the plaint. On the other hand, learned counsel for the non-applicant has argued that under order-7 Rule-11 (b) of C.P.C. as well as under Section-149, the Court is empowered, at any stage of the suit, to allow the plaintiff

(US)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

...श का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

at its discretion to pay the deficit Court Fees. In the instant case, I find that the lower Court has exercised its discretion and upon payment of deficit Court fees, though at a belated stage, refused to reject the plaint. I am of the considered opinion that the discretion exercised by the lower Court cannot be said to be improper. There is thus no substance in this revision.

Accordingly, this Revision is dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge